

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, AUGUST 3, 2021, AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Juges

Excused: Council Member Tali Bruce and Records Culture and Human Resources Director Paula Melgar

1. Welcome – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

2. Review of Business Meeting Agenda – Mayor Peterson.

Mayor Peterson reviewed the Business Meeting Agenda.

Action item Ordinance 363-A or 363-D for the approval or denial of the 21.56-acre rezone of the Wasatch Rock Development located at 6695 South Wasatch Boulevard was to be considered. Mayor Peterson stated that staff has been working on the application for two years. A vote was considered in July but it was desired that the full City Council be present when action is taken. He expressed concern with the condominium height and emphasized the need to ensure that all geotechnical items in the SLEDs ordinance are met.

Community and Economic Development Director, Mike Johnson focused on the June discussion and significant updates made since that time. Concern was previously expressed over the proposed height of the condominium building. He indicated the applicant was willing to defer entitlement for the massing and the height and number of units. This would allow for the approval of a condominium location and use and would be required to return for density, height, and the number of units. Height issues were discussed. Mr. Johnson explained that due to the uncertainty of the condominium building massing, the developer was asked to remove it from the rendering. Reclamation will be included in Phase I and the developer will leave a pad area for further consideration of the condominium building. It was confirmed that the SLEDs ordinance specifies that no vertical construction may take place for any development phase until all required sensitive lands studies have been submitted, reviewed, and approved by the Development Review Committee (“DRC”) for that development phase.

In response to a question raised regarding bonding, Mr. Johnson explained that it is specific to public improvements. If a public improvement goes unfinished, the City will have the bond

funding to complete the project, whereas private improvement provides fewer options. The predominant public concern was from the City of Holladay regarding the previous site access and configuration. Mayor Peterson stated that the Consolidated Fee Schedule is on the agenda for Council consideration.

The next agenda item involved approval of an amendment to the City Manager's Employment Agreement for an extension based on performance among other items. The amendment would extend the agreement for an additional three years from October 2021.

A grant from the Utah Division of State History was to be presented. Mayor Peterson reported that it is a Certified Local Government Grant ("CLG") in the amount of \$9,000 for a historical survey of residential homes. The Historic Committee was heavily involved in the application and includes a match.

Council Member Mikell requested the agenda order be followed and allow for additional time to discuss the Wasatch Rock Development item. Mayor Peterson was agreeable to the request.

3. Staff Reports.

a. State and Local Government Fiscal Recovery Act – Scott Jurgens, Finance and Administrative Services Director.

City Manager, Tim Tingey, reported that the matter has been before the City Council previously and involves the \$4 million to be paid to the City by the American Rescue Plan ("ARP") Act of 2021. The spending requirements were presented and recommendations were reviewed. The State has requested that the City provide documentation showing how the funds will be spent. Staff will present a resolution at the August 17 meeting to establish how the funding will be spent. The four broad categories include:

- Supporting urgent COVID-19 response efforts;
- Replacing lost revenue;
- Supporting the immediate economic stabilization; and
- Addressing systemic and public health and economic challenges.

Mr. Tingey explained that when the City receives funds in excess of \$750,000, a single audit must be conducted. They have identified \$25,000 for that purpose. Efforts to help mitigate the spread of COVID-19 will include the purchase of personal protective equipment, public communication efforts, and any additional efforts needed. Economic stabilization was also included.

The Utah League of Cities and Towns ("ULCT") will have a resolute staff person provide technical assistance on eligibility and best practices on a variety of different matters. With regard to City facilities, staff proposed a building badge and automatic system upgrade focused on being more ADA compliant. Touchless opportunities with additional automatic doors were discussed. The Unified Fire Authority ("UFA"), Wasatch Front Waste and Recycling, and Cottonwood Heights

Parks and Recreation Service Area have identified costs and continue to work on eligibility. Mr. Tingey anticipated costs to be finalized prior to the August 17 meeting.

Broad category items were presented. Mr. Tingey stated that stormwater infrastructure projects have produced one option that specifically allows for upgrades to the splash pad and recirculation of water. Additional stormwater needs were discussed.

Public Works Director, Matt Shipp, reported that the Keswick Road storm drain line experienced a 60-inch pipe break that resulted in heavy flooding. Repairs were identified in the previous master plan as a high priority item and costs were estimated based on the current construction costs. Staff identified \$2 million to go toward the stormwater infrastructure. Mr. Tingey noted that it still may take time to receive the funding even after adoption.

Council Member Mikell raised concerns with the availability of the camera results and identifying issues. Mr. Shipp stated that the results are immediate but to reprioritize issues and change the plan could take up to one year.

Finance and Administrative Services Director, Scott Jurgens, stated that everything agreed upon needs to be budgeted reflecting revenue and expenditure. The City has received just over \$2 million and the other half is approximately one year out. He confirmed that the funds must be spent, or in the case of a capital project, enter into a contract by December 31, 2024. The funds are held in a prepaid account and include unearned funds at this point. The unobligated fund balance is estimated to be \$4.5 million at the end of the current year.

b. Consolidated Fee Schedule - Scott Jurgens, Finance and Administrative Services Director.

Mr. Tingey reported that the Consolidated Fee Schedule was included as part of the budget process. An Intern previously performed an evaluation of the department fees, received input, and completed a comparison with other municipalities. An updated fee schedule was presented and included the following changes:

- Pet services first impound cost was increased to bring them revenue neutral;
- Building Permit fees;
- Commercial licensing fees;
- Transportation;
- Stop Work Order fees; and
- Stormwater fee previously adopted in June 2021.

Mayor Peterson agreed with the need to ensure that there are sufficient funds to take care of open space needs that were otherwise deficient. He was in favor of the Storm Water Fee being a dedicated fee. He expressed concern with the fee being set at a higher percentage than surrounding cities began with and reiterated his support for a lower fee.

Council Member Mikell felt it was important for the Council to consider that the Storm Water Fee does not support the full expense annually and has to be subsidized. She believed the budget is strong from a fiscal responsibility perspective. Mr. Tingey commented that staff has reviewed surrounding communities regarding the Declaration of Candidacy and proposed an increase from \$25 to \$50. Reductions in the Special Event Permit fees were proposed.

c. Sustainability Plan – Samantha DeSeelhorst, Associate City Planner/Sustainability Analyst.

Associate City Planner and Sustainability Analyst, Samantha DeSeelhorst, presented an update on the Sustainability Action Plan and stated that it encompasses goals and policies for Cottonwood Heights, the City of Holladay, and Millcreek. The plan clarifies items being sought after by the City in terms of sustainability to qualify and be eligible for sustainability grants. An Interlocal Agreement was signed in 2019, feedback was received, and in the Spring of 2021, the City Council provided feedback on what should be included in the final draft. She explained that the plan must be general enough to apply to the three cities while also being specific enough to accurately describe each city's passion and interest. Action from each city is anticipated by late summer or early fall. A copy of the final draft was provided. Ms. DeSeelhorst confirmed that the matter will be on the August 17 agenda for a final vote.

Ms. DeSeelhorst reported that she attended the Community Renewable Energy Program Board Meeting. They have partnered with Rocky Mountain Power to provide the option of net 100% renewable electricity. She confirmed that initiative efforts are ramping up and they will continue to see progress.

She described an incentive encouraging businesses to not use Styrofoam or plastic bags. The plan encourages business and waste management by reducing single-use products. Ms. DeSeelhorst stated that there is an abundance of support and invited input from the Council.

4. Review of Calendars and Upcoming Events.

a. Food Truck League Night – Each Tuesday Evening in August from 5:30 p.m. to 8:30 p.m. at Mountainview Park (1651 East Fort Union Boulevard.

Mr. Johnson reported that the Food Truck League Night will take place every Tuesday in August and feature two or three food trucks. That number will be adjusted based on participation.

b. National Day of Service of September 11 – Help Clean up Cottonwood Heights Parks Hiking Trails.

Mayor Peterson reported that the City will be participating in the National Day of Service on September 11.

The Council returned to the Business Meeting Agenda portion to discuss the Wasatch Rock Property.

5. **Possible Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.**

MOTION: Council Member Bracken moved to close the Work Session and open the Closed Session for the purpose of discussing real estate matters. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

6. **Adjourn City Council Work Session.**

The Work Session adjourned at 6:34 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, AUGUST 3, 2021, AT 7:00 P.M. IN THE COTTONWOOD HEIGHTS
CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurgens

Excused: Council Member Tali Bruce, Records Culture and Human Resources Director Paula Melgar

1.0 WELCOME

Mayor Peterson called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge was led by Council Member Scott Bracken.

3.0 CITIZEN COMMENTS

Eric Kraan reported that when the PDD was adopted, the Council made many favorable comments about having control over the development of the City. He was present on behalf of the residents and asked if he has five votes. He believed that the PDD continues to fall short in terms of delivering premier transit-oriented, walkable, mixed-use development. He believes the City has a Council form of government for a reason and demands that legislative and administrative duties be separated. He claimed that the City combines the two. He asked the Council to ask City Manager, Tim Tingey prior to the vote if he agrees with the position taken by the International City Manager Association (“ICMA”) that legislative land use policies breach the separation of powers.

Runar Boman expressed concern with the City’s climate action portion of the Sustainability Action Plan. He questioned the experts projecting that specific to the southwest region climate change will result in increased erosion, flooding, heat, drought, insect outbreaks, and wildfires. He believed the projections were incorrect. He claimed that carbon dioxide is an airborne fertilizer and crop yields have increased immensely. At 300 to 400 parts per million, he believed they are at a historic low.

Tim Halbeck expressed concern with the spending projects discussed during the previous meeting. With current electric bills between \$4,500 to \$5,000 per month, he questioned the \$500,000 cost to install solar panels and the proposed spending at the splash pad. He considered \$800,000 to

study stormwater issues and \$2.9 million in spending to be unnecessary. As taxpayers, he urged the City to control its spending.

Tom Henroid thanked the City Council and staff for the time spent reviewing their project. He felt the discussions had created a better application. Their team was present and excited to participate in the meeting.

There were no further citizen comments.

4.0 STAFF QUARTERLY REPORTS

4.1 Police Report – Police Lieutenant Dan Bartlett.

Police Lieutenant, Dan Bartlett, presented the July Police Report and stated that they received 1,831 calls for service and 238 on-view cases. Average response times were displayed. He explained that the department is still working with the Valley Emergency Communications Center (“VECC”) and are constantly striving to reduce response times. The overall crime report had decreased as a retailer in the City has changed its national policy, which has resulted in less frequent calls for service. Although calls from the retailer have decreased, he confirmed that theft is still occurring. Auto theft has increased and leaving keys and valuables in vehicles was discouraged. Lieutenant Bartlett reported that traffic citations averaged 150 with 78 warnings. Speed enforcement was the focus since the summer months tend to bring higher speeds. There were three attended deaths and one unattended death.

The safety message included increased patrols on the first day of school to ensure that there is school zone enforcement, traffic patterns are flowing, and speeding is enforced. Police Chief, Robby Russo, set aside overtime to allow Motorcycle and Resource Officers to assist in starting the year off well while protecting the school children. It was reported that Lieutenant Bartlett will be meeting with the District to discuss access and construction around Brighton High School.

4.2 Public Works Report – Public Works Director, Matt Shipp.

Public Works Director, Matt Shipp, presented the July Public Works Report and stated that the five-year Road Maintenance Plan is in its third year. The next five-year plan will be presented in October 2021. Projects include crack sealing that will involve 119 tons of material and 2.7 million square feet of slurry seal. Work was near completion in the Scottish Drive area and crews were working to rectify an issue that has arisen. Mr. Shipp reported that a 37,000 square-foot area near 1950 East from 7200 South to Ridge Way received six new waterways and 10 ADA ramps.

Mr. Shipp described upcoming projects. The Racquet Club area off of Fort Union Boulevard is slated for reconstruction. The Alpen Way contract was approved with work expected to begin in August. The roundabout is expected to go out to bid in October. The funding source passed the first committee for approval with anticipated completion in May 2022. The Ferguson Canyon Park was slated to go out to bid in September 2021 with the City striping having already gone out for bid. Mr. Shipp noted that the 2600 East sidewalk budget has been approved and the design

contract will be presented at the next City Council Meeting. The Big Cottonwood Trail reconstruction was moving forward as well as wayfinding and construction.

Concerns were raised regarding the responsibility of post-project clean-up. Mr. Shipp stated that the residual is currently being cleaned up by the City sweeper. Future contracts will include clean-up as the standard.

Council Member Mikell expressed concern with communication efforts with residents. Mr. Shipp stated that staff is working with the Public Information Department to find ways to improve communication.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance 363-A Approving Enactment of the PDD-2 (Wasatch Rock Redevelopment) Zone; Approving the Rezone of 21.56 Acres of Real Property Located at 6695 South Wasatch Boulevard – from F-1-21 (Foothill Residential) to PDD-2 (Wasatch Rock Redevelopment); and Amending the Zoning Map.

Mr. Johnson presented the staff report and stated that the above item dates back to the formal application submitted in August 2019. The request has been reviewed by the Architectural Review Commission (“ARC”) who unanimously recommended approval of a Certificate of Design Compliance for the site. Mr. Johnson confirmed that the ARC will be actively involved in reviewing the architecture and materials for each phase of the site. The Planning Commission continued the public hearing. After six meetings, the Planning Commission approved the request on a 5-to-2 vote. Since December 2020, the matter has been at the City Council level with various discussions and follow-up research being completed.

Mr. Johnson reported that the condominium building is the most prominent change made since the last time the matter was before the Council. The condominium use is included as an allowed use in the general location; however, massing, density, height, and unit counts are not being entitled and will require a future amendment to the ordinance.

The landscaping plan reflects significant hillside reclamation, which is required and proposed by the applicant on the eastern hillside that has been mined over the years. A majority of the hillside will be reclaimed as part of Phase I. Mr. Johnson reviewed the various amenities. The trail connection was identified.

The project is divided into seven phases with the apartment building being Phase I. The majority of the primary roadway, reclamation, and apartment building followed by various retail pads are included. The condominium building will be last pending further entitlements for massing, density, and building height. The apartment building has been proposed with five stories above two stories of parking totaling 75 feet with 325 apartment units. The four retail pads measure 19,000 square feet in size with a single one-story building each. The hotel will include 140 rooms and have five stories with two mixed-use buildings along the western portion of the property. There will be one level of retail on the ground beneath two levels of office space. Mr. Johnson

emphasized that there are numerous hazards and constraints on the site, both natural and manmade, including the Metropolitan Water Aqueduct easement. The development includes a large pedestrian plaza and gathering area over the top of the easement. Approximately 25% of the site will be landscaping and open space excluding the hillside area.

Mr. Johnson next reviewed the Planned Development District (“PDD”) Ordinance height requirements. He reported that the District 1 height is based on the distance from Wasatch Boulevard. He confirmed that the apartment building is well beneath the maximum height based on its location on the site. The condominium has been removed as the height is not currently being considered. Various renderings of the project were displayed.

The most common issue raised during the public hearing process with the Planning Commission was traffic and access. Revised access to the site leaves the existing Wasatch Boulevard as is and creates a new road that branches off to allow the existing traffic patterns and flows to continue as they are presently. Mr. Johnson stated that this issue was discussed with officials from the City of Holladay who expressed support for the proposed configuration. It was noted that the intent was to utilize the existing drive access near the ski shop as part of the development.

Of greatest concern was with the location of multiple sensitive lands hazards. Mr. Johnson reported that studies and reviews had been posted to the webpage throughout the process and have been publicly accessible and available. A rigid sensitive lands process was conducted involving different studies depending on the hazard. Reports have been reviewed to ensure compliance with the City ordinance and the United States Geological Survey (“USGS”) best practices for development near such hazards. Mr. Johnson confirmed that slope stability and hillside reclamation issues will be addressed. The regulatory language requires all sensitive lands hazards to be properly addressed, studied, reviewed, and approved prior to construction. No vertical construction may take place for any development phase until all sensitive land studies have been submitted, reviewed, and approved by the DRC. Staff felt that adequate safeguards are in place. Completed studies will become part of the project file that will be referred to as each phase of the project comes forward.

Council Member Bracken appreciated Mr. Henroid’s comment that all of the time and effort put into the application have made it a better proposal. He thanked staff and Rockworth for their efforts.

Council Member Mikell concurred with Council Member Bracken and stated that the proposed project will allow residents to walk from the community across the street to the Park and Ride. She appreciated the effort in seeking a solution for a mass transit hub. Although she did not love the look of the project, she considered it to be the best place for the density.

Council Member Petersen stated that several problems have been mitigated and felt better about the project. He was confident in staff and the efforts of the professionals to ensure that each site is analyzed and safe.

Mayor Peterson stated that he has expressed concern with the proposed height throughout the process and appreciated the concessions made by the developer. He shared his support for City

staff and legal counsel and appreciated them including appropriate language to address geotechnical concerns. He appreciated the reclamation of the hillside, the plazas, walkability, and connection to the Bonneville Shoreline. He acknowledged that the process has been lengthy but as a result, they have created a better project and a mutually beneficial situation for both the City and the developer.

MOTION: Council Member Bracken moved to approve Ordinance 363-A. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.2 Consideration of Ordinance 364 Amending the Consolidated Fee Schedule.

Mr. Tingey reported that Ordinance 364 approves the amendment of the Consolidated Fee Schedule. It is part of the budget process where the Council proposed additional changes to the fee schedule. Changes included amendments to impound fees, modifications to the Community Economic Development Area in Building Permit fees, proposed language changes related to the IBC schedule, right-of-way work and related permits, modifications to the fee schedule for Right-of-Way and Excavation Permits, Stop Work Order fees, and related penalty fees. A modification was made to the Declaration of Candidacy fee from \$25 to \$50. This change will be formalized by resolution. The Storm Water fee was adopted in June 2021 and no changes were proposed. Staff recommended approval.

MOTION: Council Member Petersen moved to approve Ordinance 364 excluding the Micro Trenching fee. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.3 Consideration of Resolution 2021-38 Approving an Amendment to the City's Manager's Employment Agreement.

Mayor Peterson reported that the above resolution approves an amendment to the City Manager's Employment Agreement. The resolution would extend the agreement for three more years and includes a Cost of Living Allowance ("COLA") each year with an evaluation period each October. Based on that evaluation, a merit increase of zero to 5% can be included. The Council thanked Mr. Tingey for his efforts.

Mayor Peterson emphasized that the City Manager is key and is the glue that holds the City together. Mr. Tingey communicates with the Mayor as the agenda is established and manages the day-to-day operations of the City. He applauded Mr. Tingey for his efforts and appreciates his dedication and his outstanding staff.

MOTION: Council Member Bracken moved to approve Resolution 2021-38. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.4 Consideration of Resolution 2021-39 Approving and Accepting a Grant from the Utah Division of State History.

Mr. Tingey reported that the above resolution approves and accepts a match for a grant from the Utah Division of State History for historic preservation. It would allow the City to conduct residential surveys to determine if there are historic structures. These types of surveys occur throughout the United States as part of the Certified Local Government (“CLG”) Grant process. Staff recommended approval.

MOTION: Council Member Mikell moved to approve Resolution 2021-39. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the City Council Work Session and Business Meeting Minutes for July 20, 2021.

MOTION: Council Member Petersen moved to approve the City Council Work Session and Business Meeting Minutes for July 20, 2021. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Mikell. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Bruce was absent, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

The meeting adjourned at 8:11 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, August 3, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: August 17, 2021